

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JANE DOE, on behalf of herself and her minor child;  
JANE BOE, Sr. on behalf of herself and her minor child;  
JOHN COE, Sr. and JANE COE, Sr. on behalf of  
themselves and their minor children; JOHN FOE, Sr. on  
behalf of himself and his minor child; JANE GOE, Sr. on  
behalf of herself and her minor child; JANE LOE on behalf  
of herself and her medically fragile child; JANE JOE on  
behalf of herself and her medically fragile child;  
CHILDRENS HEALTH DEFENSE, and all others  
similarly situated,

Civil Action No.:1:20-CV-0840 (BKS/CFH)

**DECLARATION OF BR. DAVID  
MIGLIORINO**

Plaintiffs,

- against -

HOWARD ZUCKER, in his official capacity as  
Commissioner of Health for the State of New York;  
ELIZABETH RAUSCH-PHUNG, M.D., in her official  
capacity as Director of the Bureau of Immunizations at the  
New York State Department of Health; the NEW YORK  
STATE DEPARTMENT OF HEALTH; THREE  
VILLAGE CENTRAL SCHOOL DISTRICT; CHERYL  
PEDISICH, acting in her official capacity as  
Superintendent, Three Village Central School District;  
CORRINE KEANE, acting in her official capacity as  
Principal, Paul J. Gelinas Jr. High School, Three Village  
Central School District; LANSING CENTRAL SCHOOL  
DISTRICT, CHRIS PETTOGRASSO, acting in her  
official capacity as Superintendent, Lansing Central  
School District; CHRISTINE REBERA, acting in her  
official capacity as Principal, Lansing Middle School,  
Lansing Central School District; LORRI WHITEMAN,  
acting in her official capacity as Principal, Lansing  
Elementary School, Lansing Central School District;  
PENFIELD CENTRAL SCHOOL DISTRICT; DR.  
THOMAS PUTNAM, acting in his official capacity as  
Superintendent, Penfield Central School District; SOUTH  
HUNTINGTON SCHOOL DISTRICT; Br. David P.  
Bennardo, acting in his official capacity as  
Superintendent, South Huntington School District; BR.  
DAVID MIGLIORINO, acting in his official capacity as  
Principal, St. Anthony's High School, South Huntington  
School District; ITHACA CITY SCHOOL DISTRICT;

DR. LUVELLE BROWN, acting in his official capacity as Superintendent, Ithaca City School District; SUSAN ESCHBACH, acting in her official capacity as Principal, Beverly J. Martin Elementary School, Ithaca City School District; SHENENDEHOWA CENTRAL SCHOOL DISTRICT; DR. L. OLIVER ROBINSON, acting in his official capacity as Superintendent, Shenendehowa Central School District; SEAN GNAT, acting in his official capacity as Principal, Koda Middle School, Shenendehowa Central School District; ANDREW HILLS, acting in his official capacity as Principal, Arongen Elementary School, Shenendehowa Central School District; COXSACKIE-ATHENS SCHOOL DISTRICT; RANDALL SQUIER, Superintendent, acting in his official capacity as Superintendent, Coxsackie-Athens School District; FREYA MERCER, acting in her official capacity as Principal, Coxsackie-Athens High School, Coxsackie-Athens School District; ALBANY CITY SCHOOL DISTRICT; KAWEEEDA G. ADAMS, acting in her official capacity as Superintendent, Albany City School District; MICHAEL PAOLINO, acting in his official capacity as Principal, William S. Hackett Middle School, Albany City School District; and all others similarly situated,

Defendants.

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Brother David Anthony Migliorino, OSF, , pursuant to 28 U.S.C. § 1746, deposes and states as follows:

1. I am the Principal of St. Anthony's High School ("St. Anthony's"). St. Anthony's is a private Catholic preparatory school located within the South Huntington Union Free School District ("the School District"). I submit this Declaration based on my personal knowledge and review of school records.

2. St. Anthony's does not employ Dr. Geffken. He is the Chief Medical Officer for the School District.

3. The School District assigns two full-time nurses and one part-time nurse to St. Anthony's (collectively "nurses"). The nurses are all employed by the School District. St. Anthony's does not employ or control any of the nurses.

4. St. Anthony's was informed that John Loe's requests for medical exemption from the Tdap and meningitis vaccinations were denied by Dr. Geffken.

5. Due to his non-compliance with New York state vaccination laws and the lack of a medical exemption, John Loe was not permitted to return to school until he either had the required vaccinations or was granted an exemption from them.

6. St. Anthony's relied upon the decisions and determinations made of the School District with regard to John Loe's vaccination requirements.

7. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 26, 2020  
South Huntington, NY

  
Brother David Anthony Migliorino, OSF